

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

BARRY BURNS)
7441 HWY 70 SOUTH)
APT #444)
NASHVILLE, TN 37221)
)
JAMIE ASHBURN)
1399 WEBB RIDGE ROAD)
KINGSTON SPRINGS, TN 37082)
)
JAMES BROWN)
P.O. BOX 27081)
KNOXVILLE, TN 37927)
)
HOMER DAVENPORT)
418 LYNN STREET)
MURFREESBORO, TN 37129)
)
PAUL HENSLEY)
120 E. SPRINGDALE AVENUE)
KNOXVILLE, TN 37917)
)
ALBERT HUSLEY JR.)
12970 TEODIA HUSLEY ROAD)
BILOXI, MS 39532)
)
JEFFREY JENKINS)
8416 BATES ROAD)
LYLES, TN 37098)
)
REGINALD JONES)
220ANDERSON LANE)
HENDERSON, TN 37075)
)
ANTONIO JONES)
6492 HEATHERWOOD DRIVE)
MEMPHIS, TN 38141)
)
FRED LEWIS)
1662 BELMONT CIRCLE)
MEMPHIS, TN 38108)
)
THOMAS MASSEY)
8008 VINEYARD LANE)

SMYRNA, TN 37167)
)
JOSHUA MERRITT)
4903 14 TH AVENUE)
CHATTANOOGA, TN 37407)
)
BRIAN MITCHELL)
1288 DAVID DRIVE)
MEMPHIS, TN 37116)
)
TIMOTHY MOORE)
600 PACK ROAD)
WHITE BLUFF, TN 37187)
)
CURTIS MYERS)
4866 CHURCHSTREET)
MEMPHIS, TN 38118)
)
ARTHUR NEAL)
401 RUSSELL ROAD)
NEW TAZWELL, TN 37825)
)
MICHAEL POOLEY)
3410 KELLYS FERRY ROAD)
CHATTANOOGA, TN 37419)
)
JERRY RUSH)
596 SHADYCREST DRIVE)
LAVERGNE, TN 37086)
)
KENETH SALES)
2205 CHEEK STREET)
CHATTANOOGA, TN 37406)
)
GEOFFREY SCANLON)
P.O. BOX 118)
BRUSH CREEK, TN 38547)
)
JAMES TODD, JR.)
261 BARFIELD CRESCENT ROAD)
MURFREESBORO, TN 37128)
)
JERRY VAUGHN)
156 BONNAFIELD DRIVE)
HERMITAGE, TN 37076)
)

MARK VITAL
4017 PEPPERWOOD DRIVE
ANTIOCH, TN 37013

FRANK WILLIAMS
5641 WATER STONE OAK WAY
MEMPHIS, TN 38115

Case No. 3:07CV0746

COMPLAINT

Plaintiffs,

V.

JURY TRIAL DEMANDED

APARTMENT INVESTMENT AND
MANAGEMENT COMPANY, AIMCO
PROPERTIES, L.P., AND NHP
MANAGEMENT, INC.
Defendants.

GRADY LAMB,

Intervenor.

GRADY LAMB’S BRIEF IN SUPPORT OF MOTION TO INTERVENE

Comes now Grady Lamb who submits this brief in support of his Motion to Intervene:

FACTS

Mr. Lamb was employed by Defendants as a Service Technician during the relevant time period referenced in the Complaint. Mr. Lamb was not paid overtime by Defendant and alleges, just as the other Plaintiffs have, that he was not paid overtime based on Defendants provision of compensatory time in lieu of pay and Defendants failure to pay “on call” time.”

After contacting the named Plaintiffs' counsel's office, Mr. Lamb learned that an Opt-in Notice had been mailed to him at a Murfreesboro address when, in fact, Mr. Lamb

lives and has lived at a Christiana address. Christiana is a small community in Rutherford County, Tennessee. However, the street address was correct.

LAW AND ARGUMENT

Federal Rule of Civil Procedure 24(b)(1) allows a party to intervene when that party has a claim “that shares with the main action a common question of law or fact.”

Mr. Lamb states that his claim not only shares a common question of law and fact but is, in fact, identical to that of the other Plaintiffs. Plaintiffs have unpaid overtime claims based on Defendants provision of compensatory time in lieu of pay and Defendants failure to pay “on call” time.” Identically, Mr. Lamb was uncompensated by Defendants on the same grounds.

Mr. Lamb states that the parties will not be prejudiced by his intervention in this action, as he will simply become another of a large class of Plaintiffs and will not alter the course of this litigation factually, legally, or otherwise.

CONCLUSION

Based on the foregoing, Grady Lamb moves to intervene in this action as a named Plaintiff.

WHEREFORE MR. LAMB MOVES as stated herein.

Respectfully submitted,

/s/ Kerry Knox
KERRY KNOX, BPR #23302
Attorney for Grady Lamb
CASTELLI & KNOX, LLP
117 South Academy Street
Murfreesboro, TN 37130
(615)896-1000

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically on this the 8th day of October, 2008. Notice of this filing will be sent by operation of the Court's electronic filing system to the following:

Charles E. Tompkins
Cohen, Milstein, Hausfeld & Toll, P.L.L.C.
1100 New York Ave, NW
Suite 500 West Tower
Washington, DC 20005

Gordon Ball
Ball & Scott
550 W Main Avenue
Suite 750
Knoxville, TN 37902

Joseph M. Sellers
Cohen, Milstein, Hausfeld & Toll, P.L.L.C.
1100 New York Ave, NW
Suite 500 West Tower
Washington, DC 20005

Llezzlie Lloren Green
Cohen, Milstein, Hausfeld & Toll, P.L.L.C.
1100 New York Avenue, NW
West Tower, Suite 500
Washington, DC 20005

Antonio D. Robinson
Littler, Mendelson, P.C.
3348 Peachtree Road, NE
Suite 1100, Tower Place 200
Atlanta, GA 30326

Camille Webb Steward
Miller & Martin, LLP
150 Fourth Avenue, N
1200 One Nashville Place
Nashville, TN 37219-2433

Christina Gomez
Holland & Hart LLP
555 17th Street
Suite 3200
Denver, CO 80202

John M. Husband
Holland & Hart LLP
555 17th Street
Suite 3200
Denver, CO 80202

Tanya E. Milligan
Holland & Hart LLP
555 17th Street
Suite 3200
Denver, CO 80202

Thomas E. J. Hazard
Holland & Hart LLP
555 17th Street
Suite 3200
Denver, CO 80202

/s/ Kerry Knox
KERRY KNOX

I certify that a copy of the foregoing was served by U.S. Mail on the 8th day of October, 2008, on the following parties:

Geoffrey Scanlon
595 Hicks Road
Apartment 4C
Nashville, TN 37221

Arthur Neal
134 Williams Street
Apartment 23
Harlan, KY 40831

Timothy Moore
600 Pack Road
White Bluff, TN 37187

/s/ Kerry Knox
KERRY KNOX